

Health and Safety agenda

A number of new developments in the area of health and safety in the workplace

Contacts

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Agreements implementing the TUSL and deadlines by which mandatory training must be in place

Through the agreements entered into on 21 December 2011 at the permanent Conference for relationships among the State, the Regions and the autonomous Provinces of Trento and Bolzano, the provisions of Legislative Decree 81/2008 (TUSL) on the following matters have been implemented:

- (i) training of workers on the protection of health and safety in the workplace (art. 37, paragraph 2);
- (ii) training concerning the employer's direct fulfillment of tasks and responsibilities concerning prevention and protection from risks (article 34, paragraphs 2 e 3).

As for the deadlines for the implementation of the first mandatory training of workers, the related agreement provides that new hires must start the courses prior to their start date or, where this is not possible, on their start date. Without prejudice to this requisite, if it is not possible for the course to be completed prior to the assignment of the resource to his work activities, the training programme must be completed within 60 days of his/her hiring. Transitional mechanisms are envisaged as well as mechanisms for recognition of prior training. Generally speaking, on the occasion of the first application of the agreement, courses for executives (*dirigenti*) and persons in charge/supervisors (*preposti*) must be concluded within the following 18 months.

As for the mandatory training requisites, the agreement delineates the term, the minimum contents and the modalities of the training, as well as the updating of workers. Temporary requisites are indicated for teaching staff. The agreement also governs the organization of the training and the teaching/learning methodology. E-learning training is encouraged and described. The minimum duration of the training ranges (generally, from 8 to 16 hours) depending upon the classification of the sectors according to their applicable risk class (low, medium, high) on the basis of specific tables identifying macro-categories of risk and ATECO 2002-2007 categories/ratings attached to the agreement. Personnel who are not assigned to production divisions are considered subject to a low level of risk.

It is provided that similar principles may be applied for the optional training of autonomous workers and other special categories referred to in art. 21, paragraph 1, of the TUSL.

With reference to the executives and persons in charge/supervisors, the agreement envisages specific forms (respectively either replacing or additional to training required for other workers), specifying that if the employer departs from the same, it will be under an obligation to demonstrate the adequacy of the training provided.

As for the training in case the employer chooses to directly fulfill duties and responsibilities on the prevention and protection against risks, the same is governed by modalities similar to those illustrated above. However, the duration of the training program is longer (from 16 hours to 48 hours) and it is provided that, in the event of a start-up of new business operations, the employer must complete the training program within 90 days of the start date of the business operations.

Applications for INAIL financing for 231 models and health and safety projects must be submitted by 7 March 2012

INAIL (the Italian governmental agency for insurance against injuries at work and occupational diseases) has instituted a competitive financing program with the objective of encouraging enterprises to perform projects aimed at improving health and safety in the workplace. Applications must be submitted by 7 March 2012.

Investment projects and projects for the adoption of organizational models and corporate responsibility aimed at reducing such risks are eligible for submission. Generally speaking, the incentive consists in a contribution to capital in an amount equal to 50% of the costs of the project, subject to a maximum contribution of Euro 100 thousand and a minimum (only for investment projects) of Euro 5 thousand. For projects which call for contributions exceeding Euro 30 thousand, it is possible to request an advance in an amount equal to 50% of the contribution.

According to indications provided by the INAIL officers, enterprises who are granted the contribution may be subject to controls on a sample basis and the confirmed compliance with corporate contributions constitutes a pre-requisite to take part in the competitive financing program.

Such compliance must be certified by the DURC and may not be subject to self-certification, as stated in the recent memorandum dated 16 January 2012 published by the General Office for Inspection Activities of the Ministry of Labor and Social Policies (*Direzione Generale per l'Attività Ispettiva del Ministero del Lavoro e delle Politiche Sociali*).

This publication does not necessarily deal with every important topic or cover every aspect of the topics with which it deals. It is not designed to provide legal or other advice.

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